



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

Single Market Enforcement

E3.- Notification of Regulatory Barriers

Brussels, 27.09.2022

GROW.E.3/TI/vk (2022) 7362135

Mr. Rolf Forslund
Sörbyvägen 13
722 33 Västerås
Sweden

E-mail:

[ask+request-11812-
fc741899@asktheeu.org](mailto:ask+request-11812-fc741899@asktheeu.org)

**Subject: Your request for access to documents – Notification 2016/615/B –
GestDem 2022/5089.**

Dear Mr. Forslund,

I refer to your request of 9 September 2022, registered on the same day under the above-mentioned GestDem reference number. Your request concerns the comments issued by the Commission and Hungary and the detailed opinion issued by the Commission on the “*Royal Decree amending the Royal Decree of 3 March 1992 concerning the placing on the market of nutrients and foodstuffs to which nutrients have been added*” notified by Belgium under notification 2016/615/B in the framework of Directive (EU) 2015/1535.¹

Having analysed your request in the light of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents², we consider access to the requested documents can be granted.

Please note that, the document issued by Hungary is disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Please note that, as far as the disclosed Commission document is concerned, you may reuse it free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note also that the Commission does not assume liability stemming from the reuse.

With regards to the document from the Hungarian authorities, the exception relating to the protection of privacy and integrity of the individual provided for in Article 4(1)(b) of

¹ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241 of 17.9.2015, p.1

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

Regulation (EC) No 1049/2001 makes their full disclosure impossible, since they contain the following personal data:

- the names/initials and contact details of natural persons.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(electronically signed)

Radek MALY
Head of Unit

Enclosures: 2